Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of:	)	
	)	
Implementation of the Telecommunications Act of 1996:	)	
	)	CC Docket No. 96-115
Telecommunications Carriers' Use of Customer Proprietary Network Information and Other Customer Information	)	
	)	
Implementation of the Local Competition Provisions of the Telecommunications Act of 1996	)	CC Docket No. 96-98
	)	
Provision of Directory Listing Information Under the Communications Act of 1934, As Amended	)	CC Docket No. 99-273

BELLSOUTH OPPOSITION AND COMMENTS

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BELLSOUTH OPPOSITION AND COMMENTS

BellSouth Corporation, on behalf of its subsidiary companies, hereby responds to various petitions for reconsideration or clarification of certain aspects of the Commission's *Order* in the above-captioned proceeding.[1]

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[1] *Implementation of the Telecommunications Act of 1996: Telecommunications Carriers' Use of Customer Proprietary Network Information and Other Customer Information,* CC Docket No. 96-115, *Third Report and Order; Implementation of the Local Competition Provisions of the Telecommunications Act of 1996,* CC Docket No. 96-98, *Second Order on Reconsideration; Provision of Directory Listing Information Under the Communications Act of 1934, As Amended,* CC Docket No. 99-273, *Notice of Proposed Rulemaking;* FCC 99-273 (released Sept. 9, 1999) *("Order").*

INTRODUCTION AND SUMMARY

In this response, BellSouth opposes the efforts of the Association of Directory Publishers ("ADP") to impose additional substantive and procedural burdens on local exchange companies ("LECs") in their provision of subscriber list information ("SLI") to unaffiliated directory publishers. ADP's requested changes are neither required by the Act nor supported by good policy. In contrast, BellSouth agrees with the several petitioners who seek relatively minor clarification or modification of certain extant requirements of the *Order*.

By its petition, ADP attempts to reset the table to facilitate the litigiousness it has already spawned and sponsored throughout its membership in the wake of the Commission's *Order*.[2] Thus, ADP asks the Commission to create new substantive legal rights for publishers under Sections 201(b) or 202(a) or to ignore the standard of reasonableness in those sections in favor of a *per se* violation test. Additionally, ADP wrongly seeks to extend the statutory duties of LECs to the LECs' affiliated directory publishers. Finally, ADP requests that any rate complaint by a publisher against a LEC be allowed to operate as a preliminary injunction against the LEC's rates and that such complaints be guaranteed consideration under the Commission's accelerated

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[2] *See, e.g.*, National Telephone Cooperative Association (NTCA) Petition for Reconsideration, Attachments 1-3. As presented by NTCA, the spate of "threatening" form letters sent by publishers shortly after release of the *Order* has "dramatically changed [the previous] cordial and cooperative environment between rural telephone companies and directory publishers" into one of "harassment and potential litigation." NTCA Petition at 4. There is little doubt that the fill-in-the-blank letters appended to NTCA's Petition were prepared by ADP and sent upon its recommendation. Indeed, BellSouth also received a number of similar letters from publishers with whom BellSouth has had good and longstanding relationships. However, in responding to those letters and particularly inquiring about their tone, BellSouth has been told on at least one occasion that the publisher was pressured to send the letter by ADP.

procedures. All of these blatant attempts to game the system to facilitate ADP's strategy to browbeat LECs through litigation must be rejected.[3]

In contrast, BellSouth supports the proposals of several parties to eliminate or modify requirements that do not serve their stated purposes. For instance, several petitioners showed that the requirement that LECs promptly notify publishers of customers' changes from listed to nonlisted status is neither necessary nor easily accommodated.[4] BellSouth also agrees that the present rules that preclude a LEC from withholding SLI even from a publisher the LEC knows to be misusing the data provide undesirable protection for such unscrupulous publishers and reward their misfeasance.[5] Similarly, BellSouth agrees that the obligation to share copies of publishing contracts between a LEC and its directory publisher, if not subject to appropriate control mechanisms, can lead to competitive aberrations in the directory publishing marketplace.[6] Finally, BellSouth concurs that clarification is required to ensure that publishers fully

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[3] ADP has also asked the Commission to reduce to seven days the period within which LECs must inform independent publishers that they cannot comply with a request for SLI. Although BellSouth concurs that carriers generally should not require 30 days to determine whether their systems can accommodate specific requests, an unnecessarily truncated response window will limit the opportunity carriers and publishers otherwise might have to work together to identify potentially acceptable alternatives. Accordingly, BellSouth suggests that the Commission allow at least 15 days in order to respond to publishers' requests.

[4] *In the Matter of Implementation of the Telecommunications Act of 1996*, CC Docket No. 96-115, *Bell Atlantic's Petition for Reconsideration and Confirmation*, filed Nov. 4, 1999 ("Bell Atlantic Petition") at 2-4; *In the Matter of Provision of Directory Listing Information under the Telecommunications Act of 1934, As Amended*, CC Docket No. 99-273, *Petition for Reconsideration of U S West Communications, Inc.*, filed Nov. 4, 1999 ("U S West Petition") at 4; *In the Matter of Implementation of the Telecommunications Act of 1996: Telecommunications Carrier's Use of Customer Proprietary Network Information and Other Customer Information*, CC Docket No. 96-115, *Implementation of the Local Competition Provisions of the Telecommunications Act of 1996*, CC Docket No. 96-98, and *Provision of Directory Listing Information Under the Telecommunications Act of 1934, As Amended*, CC Docket No. 99-273, *Petition for Reconsideration and Clarification*, filed Nov. 4, 1999 ("ALLTEL Petition") at 4-5.

[5] Bell Atlantic Petition at 4-7.

[6] ALLTEL Petition at 2-3.

compensate carriers for all listings provided regardless of whether the publisher chooses to use all such listings.[7] Each of these requirements is a proper subject for clarification or modification, and BellSouth supports petitioner's requests for such action.

I. ADP's Proposals to Impose Burdens Beyond Those in Section 222(e) Should Be Rejected.

In its *Order*, the Commission "implement[ed] Section 222(e) [of the Act] by promulgating more specific standards regarding carriers' obligations under [that] provision."[8] In its petition, ADP asks the Commission to reach beyond Section 222(e) and impose additional obligations not required by that provision. For the reasons below, the Commission should reject ADP's proposals.

A. The Commission Should Not Adopt a *Per Se* Standard of Liability for Alleged Violations of Sections 201(b) or 202(a) Regarding Carriers' Provision of Nonlisted or Nonpublished Data.

The Commission determined in the *Order* that nonlisted and nonpublished subscriber data are not within the statutory definition of SLI and therefore are not subject to the obligation of carriers to provide SLI to directory publishers under Section 222(e). The Commission added, however, that *"[d]epending on the circumstances*, [it] *may be* unreasonable or unreasonably discriminatory within the meaning of sections 201(b) and 202(a)" for a LEC not to provide nonlisted and nonpublished data to nonaffiliated directory publishers if the LEC makes such information available to its affiliated publisher.[9] ADP asks the Commission to ignore any consideration of reasonableness established in Sections 201(b) and 202(a) and to preemptively

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7 Bell Atlantic Petition at 8-9.

8 *Order* at ¶ 5.

9 *Order* at ¶ 41 (emphasis added).

conclude that "it will *always* be unreasonable and unreasonably discriminatory" [10] for a LEC to take such actions. ADP's attempt to deprive LECs of rights they have under Section 201(b) and 202(a) must be rejected.

As an initial matter, ADP's anticipation that carriers will routinely seek to withhold from nonaffiliates any nonlisted or nonpublished data that is provided to affiliates is purely speculative. Contrary to that speculation, it is more likely that carriers will adopt general practices to share that data nondiscriminatorily. For example, like Bell Atlantic, [11] BellSouth also will provide nonlisted and nonpublished data to independent publishers through an optional New Connect Report offering for publishers' use in distributing their directories.

As the Commission recognized, however, carriers may have reasonable and legitimate grounds for denying access to certain publishers, depending on the circumstances. Sections 201(b) and 202(a), which prohibit only unreasonable and unreasonably discriminatory practices, clearly would accommodate such circumstances. The Commission should reject ADP's attempt to convert the clear reasonableness standard of these provisions to one of *per se* unreasonableness.

Circumstances in which carriers might justly and reasonably withhold nonpublished and nonlisted data from a publisher are not difficult to imagine. As Bell Atlantic observes, lists of nonpublished and nonlisted subscribers might tempt publishers to attempt to maximize the value of this coveted resource by selling it to others to use for whatever purpose they choose.[12] A LEC learning of such activity could take (and, in fact, may be obligated to take) reasonable steps to protect the privacy expectations of the LEC's nonpublished and nonlisted subscribers, including

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10 ADP Petition at p. 3 (emphasis in original).

11 *See,* Bell Atlantic Petition at p. 5.

12 Bell Atlantic Petition at 5.

withholding any further nonlisted and nonpublished data from the offending publisher.[13] ADP's proposal that the Commission preemptively declare such reasonable measures to constitute violations of Sections 201(b) or 202(a) simply ignores statutory language. ADP's proposal should thus be dismissed.

B. LECs Are Not Obligated To Provide CLEC SLI to Nonaffiliates Without Authorization From the CLEC.

ADP acknowledges the Commission's determination in the *Order* that Section 222(e) does not obligate LECs to provide to nonaffiliated publishers the SLI that LECs receive for publication from competing local exchange carriers ("CLECs"). The corollary of that determination is, of course, that publishers have enforceable statutory and regulatory rights pursuant to Section 222(e) in the *Order* to obtain that SLI directly from the CLECs themselves. Nonetheless, ADP asks the Commission to conclude that it is unreasonable under Section 201(b) or 202(a) for LECs to refuse to share CLECs' SLI with nonaffiliated publishers even when CLECs have not given LECs the authority to share that data. The Commission should reject ADP's effort to conduct an end run of the Commission's findings in the *Order*.

At the outset, ADP's broad intimation that LECs refuse to provide CLECs' SLI to nonaffiliated directory publishers is misleading. At least in BellSouth's case, where, as a matter of policy, BellSouth has a CLEC's authority or direction to deliver the CLEC's SLI to directory publishers in addition to BellSouth's directory affiliate, BellSouth currently provides such listings to nonaffiliated publishers indistinguishably from BellSouth's own SLI pursuant to

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[13] Because nonlisted and nonpublished data are not SLI under Section 222(e), carriers are not obligated to continue providing that data to publishers when the carrier reasonably believes a directory publisher will use the data for impermissible purposes. *Cf. Order* at ¶ 115 ("If disputes regarding *subscriber list information* usage arise, ... the carrier shall continue to provide *subscriber list information* to the directory publisher absent an order to the contrary.") (emphasis added).

Section 222(e). BellSouth and other LECs are not at liberty, however, to provide CLECs' SLI to nonaffiliated publishers in the absence of such authority.

Meanwhile, nonaffiliated publishers have direct statutory and regulatory rights to obtain from CLECs themselves the very SLI that ADP seeks indirectly through LECs. As the Commission explained in the *Order*, the obligations established by Congress in Section 222(e) extend specifically to CLECs, "since they gather subscriber list information in their capacity as providers of telephone exchange service."[14] In light of this clear avenue available to independent publishers to obtain CLECs' SLI, a LEC's practice of recognizing and honoring CLECs' interests in controlling the dissemination of their own SLI is imminently just and reasonable under Section 201(b) and is not an unjust or unreasonable discrimination under Section 202(a).

ADP's reliance on the *Reverse Directory Service Order*[15] to suggest that LECs have an obligation under Section 201(b) or 202(a) to provide CLEC data to independent publishers is misplaced. In that case, the Commission found that BellSouth had no obligation to provide reverse directory service at all, and therefore was permitted to exclude CLEC data from its own reverse directory service if the CLEC did not authorize BellSouth also to provide that data to competing reverse directory service providers. In contrast with the voluntary offering of reverse search services, however, many, if not all, LECs are obligated under state law or regulation in their respective states to publish local white pages listings. Further, incumbent LECs are required by Section 251(b)(3) of the Act to provide CLECs with "nondiscriminatory access to ...

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[14] *Order* at ¶ 25. The Commission also emphasized that "the obligation to provide a particular telephone subscriber's subscriber list information extends *only* to the carrier that provides that subscriber with telephone exchange service" (emphasis added).

[15] *Bell Operating Companies Petitions for Forbearance From the Application of Section 272 of the Communications Act of 1934, as Amended, to Certain Activities*, 13 FCC Rcd 2627 (1998) ("*Reverse Directory Service Order*").

directory listing."[16] Thus, while LECs may be permitted to condition the inclusion of a CLEC's data in a voluntary offering, such as reverse directory service, on the CLEC's authorization to share that data with third parties, a LEC cannot similarly refuse to publish the listings of a CLEC simply because the CLEC has not given it sharing authority.[17]

C. LECs' Publishing Affiliates Are Not Subject to Section 222(e).

Ostensibly arguing that LECs should not be permitted to evade obligations of Section 222(e) by shifting responsibilities to a publishing affiliate, ADP appears to suggest that LECs' publishing affiliates are themselves also subject to Section 222(e). They are not, and the Commission should take this opportunity to disabuse ADP of that notion.

By the clearest of terms, Section 222(e) applies only to "a telecommunications carrier that provides telephone exchange service."[18] Further, the obligation attaches only to SLI "gathered in [the telecommunications carrier's] capacity as a provider of such service."[19] Under no construction of this language is there room for an interpretation that the carrier's affiliated publisher is also bound by the obligations of Section 222(e).

ADP's reliance on the statutory definition of SLI in Section 222(f)(3)(b) does not aid its argument. That provision defines SLI as information "that the carrier or an affiliate has published, caused to be published, or accepted for publication in any directory format."[20] ADP seems mistakenly to infer that because the definition of SLI refers to both a carrier and its

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16 47 U.S.C. § 251(b)(3).

17 Consequently, unless a CLEC expressly authorizes BellSouth to release its listings to third parties, BellSouth will neither provide these listings in a voluntary offering such as reverse search service nor provide them to independent publishers.

18 47 U.S.C. § 222(e).

19 *Id.*

20 47 U.S.C. § 222(f)(3)(b).

affiliate, the full range of obligations of Section 222(e) also fall on both. They do not. The definition of SLI only describes the set of information that must be handled in the manner established in Section 222(e). That section itself determines who is bound by its terms. As indicated above, that section clearly applies only to "telecommunications carrier[s] that provide[s] telephone exchange service" and not to their directory publishing affiliates.

Further, to the extent ADP believes a carrier may be wrongly attempting to evade its obligation under Section 222(e) when a carrier's publishing affiliate performs certain functions in lieu of the carrier, ADP has recourse against the carrier under the Commission's Section 208 complaint procedures. ADP cannot, however, redress its concerns by having the Commission interpret or apply the Act in a manner contrary to its express language. Accordingly, ADP's request for such an effective rewriting of the statute must be dismissed.

D. The Commission Should Reject ADP's Pleas for Additional and Unfair Procedural Advantages in Complaint Cases Against LECs.

The Commission has already established presumptively valid rates for SLI. Additionally, the Commission has placed the burden on carriers to overcome these presumptions in any complaint proceeding regarding any rates charged by a carrier that exceed the presumptively valid ones. ADP now asks the Commission to handicap such rate complaint proceedings further by allowing publishers immediately to pay only the presumptively valid rates upon the mere filing of a complaint, and by guaranteeing that publishers' rate complaints will always be afforded accelerated docket treatment. The Commission should reject both of these proposals to tilt the table even more in publishers' favor in complaint proceedings.

ADP's request that the Commission decide now that publishers are allowed to pay only the presumptively valid rates amounts to a request for blanket, advance preliminary injunction against rates that have not been found to be unlawful or otherwise inappropriate. And, because

the injunction would be triggered by a publisher's mere filing of a complaint, it would become effective without the showing normally required of requests for such forms of extraordinary relief. The Commission should not so callously trample carriers' due process rights.

Nor is ADP's nominal attempt to justify its request sufficient to support the relief it seeks. First, because carriers will know that rates higher than the benchmark rates will be subject to intense scrutiny, carriers charging such higher rates may be presumed to be confident that their cost studies support their rates and that they will prevail on the merits. The mere fact that a carrier's rates are higher than the benchmark rates therefore provides little basis for concluding that the publisher is likely to prevail in such a case.[21]

Second, ADP has not shown that any publisher would be prevented from publishing a directory merely because a carrier's rates are higher than the benchmark. Further, publishers prevailing in a complaint proceeding after having paid disallowed higher rates will be able to recover their overpayments. Thus, publishers will not be irreparably harmed by denial of ADP's instant request.

Third, contrary to ADP's contention, carriers do stand to suffer harm under ADP's proposal. Unless publishers were to post a bond at the time they filed their complaint and began paying benchmark rates, there would be no assurance that a publisher would "merely pay the difference between the higher charge and the benchmark if the higher charge is found to be appropriate."[22] Indeed, while a publisher can pursue a refund of overpayments within the same

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[21] Further, because it is not possible to conclude that publishers are more likely to prevail on the merits, there also is no basis for concluding that allowing publishers to pay only the benchmark rates – which ultimately may be shown to be the wrong rates -- will promote competition.

[22] *In the Matter of Implementation of the Telecommunications Act of 1996: Telecommunications Carrier's Use of Customer Proprietary Network Information and Other Customer Information*, CC Docket No. 96-115, *Implementation of the Local Competition*

Section 208 complaint proceeding if a carrier's rate is found to be inappropriate, a carrier cannot seek to collect an underpayment within such a proceeding even if its rates are found to be appropriate.[23] Instead, a prevailing carrier may be required to initiate a completely separate judicial proceeding to collect from an underpaying publisher. Thus, carriers do stand to suffer harm if ADP's blanket injunction request is granted. For all these reasons, the Commission should not short-change carriers of their due process rights with the short-cut extraordinary relief ADP seeks.

Finally, the Commission also should reject ADP's request that publishers be guaranteed that their complaints will be afforded accelerated consideration. The Commission has published general principles that guide its decisions whether to accept on the accelerated docket a complaint brought by any aggrieved party. ADP has not offered any reason that its members should be treated as a special class of claimants entitled to preferential procedural rules. Nor has ADP shown why any complaints its members might bring, no matter how frivolous or unfounded, should be guaranteed the dedication of scarce Commission resources.

Nor is there any apparent reason ADP needs such a guarantee. Rather, this request is simply one more way ADP seeks to skew the procedural rules to bolster its threats of litigation against carriers. For the reasons set forth above, all of ADP's requests for reconsideration should be rejected.

Provisions of the Telecommunications Act of 1996, CC Docket No. 96-98, and *Provision of Directory Listing Information Under the Telecommunications Act of 1934, As Amended,* CC Docket No. 99-273, *Petition for Reconsideration of the Association of Directory Publishers,* filed Nov. 4, 1999 ("ADP Petition") at 15.

[23] The Commission has held that Section 208 does not accommodate claims by carriers against their customers.

II. The Commission Should Grant the Several Petitioners' Requests for Modest Modification or Clarification of the *Order*.

In contrast with the requests of ADP to reach beyond Section 222(e) to impose additional substantial burdens on carriers, several petitioners request only modest modification or clarification of certain aspects of the *Order*. Those requests are all reasonable and consistent with Section 222(e). BellSouth supports those requests for the reasons below.

A. The Commission Should Eliminate the Requirement that Carriers Notify Publishers of Subscribers' Changes From Listed to Nonlisted Status.

In the *Order*, the Commission required carriers to notify requesting publishers when subscribers decide to cease having their numbers listed. BellSouth agrees with the several petitioners who asked that this requirement be eliminated.

In the *Order*, the Commission suggested that this requirement was necessary to enable directory publishers to avoid listing those numbers. As the petitioners showed, however, the requirement is not necessary to achieve that result. Rather, those listings will automatically be excluded or identified as nonlisted as publishers subscribe to either updated listings or new base files. Additionally, as Bell Atlantic notes, customers changing from listed to nonlisted status as a rule will also change their telephone number. Thus, even if a publisher does inadvertently republish a number for a customer who has changed to nonlisted status, no harm will come to the customer since that number will no longer be valid.

Further, petitioners showed that current systems cannot reasonably accommodate the requirement. To comply, carriers would have to be able to discern from a variety of change orders that presently are similarly coded only those change orders that include a change from listed to nonlisted. Like the petitioners, BellSouth's systems presently are not capable of making that distinction. Moreover, given that the Commission has required unbundling under Section

222(e) in other contexts only to the extent carriers' systems can accommodate it, ignoring that condition in this limited case would make no sense. Accordingly, BellSouth agrees that this requirement should be eliminated.[24]

B. The Commission Should Confirm that Publishers Must Pay for All Listings Received if They Request Unbundling That Carriers' Systems Cannot Accommodate.

BellSouth agrees with Bell Atlantic that publishers should not be able to avoid paying for all listings they acquire by asking for a subset of listings that carriers are unable to provide on an unbundled basis. The Commission has made clear that carriers are entitled to recover their costs of providing SLI to publishers. Carriers' costs do not vary with the use a publisher makes of the listings it receives. Rather, carriers incur the same costs for providing SLI whether the publisher uses one listing or the entire set of delivered listings. Thus, carriers' costs are recovered through the rates they charge for listings *delivered* to publishers. It would be unfair to deprive carriers of the cost recovery to which they are entitled merely because a publisher makes a unilateral decision not to use all of the listings received. Nor would it be fair or nondiscriminatory to charge different publishers -- one who uses all the listings and one who uses only some of the listings -- different rates for delivery of the same set of listings. Accordingly, the Commission should confirm that publishers cannot avoid paying for all of the listings they receive when carriers are unable to unbundle to the degree requested by the publisher.[25]

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[24] At a minimum, if the Commission does not eliminate the requirement, BellSouth agrees that carriers must be assured of appropriate cost recovery for any systems modification that would be necessary.

[25] At a minimum, the Commission must clearly prohibit publishers from using any listings for which they have not paid and must give carriers sufficient latitude to cease providing listings to publishers that do so.

C. Carriers Must Have An Effective Mechanism For Stopping Publishers' Misuse Of SLI.

The current requirements of the *Order* compel a carrier to continue providing SLI to a publisher that the carrier knows to be misusing the data.[26] Moreover, the Order indicates the carrier will have violated the Commission's rules if the carrier withholds delivery of SLI pending a "determination" confirming that such SLI should be withheld, even if the carrier subsequently prevails in such a determination. The only step available to carriers to guard against such misuse is to obtain a certification from a publisher that SLI will not be misused in the future. Unless the carrier is able to withhold SLI under appropriate circumstances, however, the certification has no teeth. Carriers must be given a more effective means of curbing misuse.

As Bell Atlantic notes, the *Order* is silent as to how a carrier might obtain a "determination" that it is entitled to withhold SLI from a publisher, but the apparent alternatives -- Commission or judicial proceedings -- do not appear viable. The better course appears to be that suggested by Bell Atlantic. Allow carriers to exercise their contract or tariff self-help rights upon breach by a publisher. Publishers believing they have been improperly denied SLI can bring the matter promptly before the Commission. Additionally, the Commission should not find carriers to have violated its rules if the carrier ultimately prevails. Absent these modifications, unscrupulous publishers will have little, if any, disincentive to misuse SLI. The Commission's *Order* should be changed accordingly.

[26] Publishers might misuse SLI, for example, by selling it to telemarketers, by using it for non-directory publishing purposes themselves, or by publishing it without having paid for it (see section II.B, *supra*).

D. The Commission Should Confirm That Disclosure Of Contracts Between Carriers And Their Publishers May Be Subject To Confidentiality Agreements And Other Protections.

The *Order* requires carriers to make available to requesting directory publishers any written contract for the provision of SLI by a carrier to the carrier's directory publisher. BellSouth agrees with Alltel that the Commission should confirm that this requirement is not intended to require such disclosure in the absence of appropriate confidentiality protections. In many cases, the relationship between a carrier and its publishing affiliate is not limited to the provision of SLI and publication of directories, and the contract between them governing that relationship is not so limited. The Commission should confirm that carriers are permitted to redact from any contract provided to a requesting carrier all portions of the contract not related to provision of SLI. This requested confirmation is consistent with the scope of the obligation as set forth in the Order: carriers must provide "any written contracts that [the carrier] has executed for the *provision of subscriber list information* for *directory publishing purposes*."[27] Portions of contracts that are not related to the provision of SLI for directory publishing purposes are thus excluded from the disclosure requirement.

Even for those portions that are disclosed, appropriate confidentiality protections are warranted. As Alltel points out, the directory publishing business is a competitive one. The Commission should adopt procedures that discourage "fishing expeditions" for access to carrier/publisher contracts, such as requiring bona fide requests and protective orders under the Commission's complaint procedures. Similarly, carriers should be permitted to subject their disclosure of contracts to commercially reasonable confidentiality agreements that include provisions that limit access to and use of the information only for the purpose of determining the

[27] *Order* at ¶ 58 (emphasis added).

rates, terms, and conditions under which a carrier provides SLI to its own directory publisher. Any other use would be beyond the scope of the Commission's reason for adopting the requirement.

CONCLUSION

For the reasons set forth above, the Commission should deny ADP's request to impose more burdens on carriers and to further tilt the table in publishers' favor. In contrast, the Commission should grant the several petitions of carriers who seek only modest modification or clarification of the *Order*.

Respectfully submitted,

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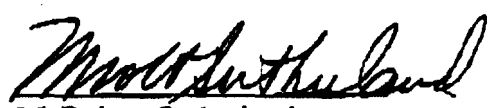
By: 

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Date: January 11, 2000

CERTIFICATE OF SERVICE

I do hereby certify that I have this 11th day of January 2000 served the following parties to this action with a copy of the foregoing BellSouth Opposition and Comments by hand delivery or by placing a true and correct copy of the same by U.S. mail, addressed to the parties listed on the attached service list.

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